



COMMUNITY DEVELOPMENT DEPARTMENT

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PRELIMINARY APPLICATION FOR HOUSING DEVELOPMENT PROJECTS

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WHAT IS A PRELIMINARY HOUSING DEVELOPMENT APPLICATION?

California Senate Bill 330, “The Housing Crisis Act of 2019,” was signed into law by Governor Newsom on October 9, 2019 and became effective January 1, 2020. The bill establishes a statewide housing emergency to be in effect until January 1, 2025. The law provides a new preliminary application process which freezes the policies, standards, and fees in effect when a Preliminary Application Form is submitted. The purpose of the preliminary application is to collect specified site and project information in order to determine the zoning, design, subdivision, and fee requirements that will apply to the housing development project throughout the review and entitlement process.

SB 330 expedited permitting is available to all housing development projects that require discretionary review, including any residential development, mixed use projects with a minimum of two-thirds of development square footage designated for residential use, and transitional or supportive housing projects.

Applicants who utilize this process would then submit the discretionary permit application(s) within the timelines listed below. In addition, all housing development projects benefit from the following SB 330 expedited permitting: reduced project approval time after an Environmental Impact Report (EIR) has been certified (current County process certifies EIR at project approval), historic site determination at the time the application is deemed complete, and a maximum of five public hearings when a project is consistent with the objective standards in place at the time the application is deemed complete, which includes continued public hearings, workshops, and any similar meetings conducted by the County.

Pursuant to California Government Code Section 65941.1, an applicant for a housing development project, as defined Government Code Section 65589.5(2)(h), shall be deemed to have submitted a preliminary application upon providing all of the following information listed below and attached, and upon payment of the permit processing fee.

PROCESS FOR PRELIMINARY HOUSING DEVELOPMENT APPLICATIONS

An appointment must be made with a staff member from the Land Use and Natural Resources Division to schedule a review of the Preliminary Housing Development Application prior to submittal. No additional fee will be required to submit a Preliminary Housing Development Application.

Once a complete Preliminary Housing Development Application is submitted – along with the required Land Use Development Application and application fee – the zoning, design, subdivision, and fee requirements in effect as of that date will remain applicable to the project for the duration of the review and entitlement process, provided that all the following provisions are satisfied:

- A complete Project Application must be submitted and accepted by the Community Development Department within 180 days of submitting this Preliminary Housing Development Application.
- The project must commence construction within 30 months of site permit issuance.

If the County determines that the application for the development project is not complete pursuant to Government Code Section 65943, the development proponent shall submit the specific information needed to complete the application within 90 days of receiving the County’s written identification of the necessary information. If the development proponent does not submit this information within the 90-day period, then the preliminary application shall expire and have no further force or effect.

Note that the following modifications may be required even when a Preliminary Housing Development Application is on file:

- Development impact fees, application fees, capacity and connection fees, or other charges may be annually adjusted based on a published cost index.
- Requirements necessary to avoid an adverse impact to public health or safety, or to avoid or lessen an impact under CEQA may be applied.
- Projects may submit a new or amended Preliminary Housing Development Application at any time, in which case the requirements in effect at that time shall apply.

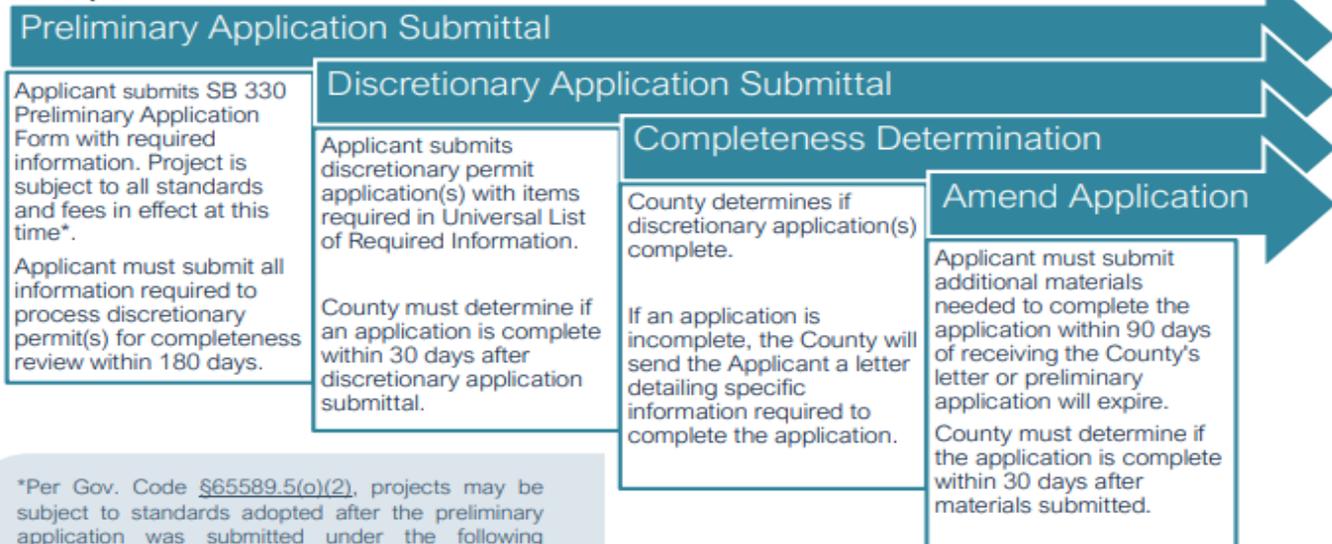
CHANGES TO THE PROJECT AFTER SUBMITTAL

After submittal of all of the information required, if the development proponent revises the project such that the number of residential units or square footage of construction changes by 20 percent or more, exclusive of any increase resulting from the receipt of a density bonus, incentive, concession, waiver, or similar provision, the housing development project shall not be deemed to have submitted a preliminary application until the development proponent resubmits the information required above so that it reflects the revisions. For purposes of this application, “square footage of construction” means the building area, as defined by the California Building Standards Code (Title 24 of the California Code of Regulations).

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SB 330 EXPEDITED PERMITTING TIMELINES

Completeness Determination



*Per Gov. Code §65589.5(o)(2), projects may be subject to standards adopted after the preliminary application was submitted under the following circumstances:

- Any fee changes related to annual fee adjustments per cost index
- Changes are necessary to mitigate or avoid specific, adverse impact upon public health or safety or under CEQA
- Project has not started construction within 2.5 years after final approval
- Revisions to the project result in 20% or more changes to total residential units or building area compared to preliminary application figures. The preliminary application must then be resubmitted.
- Any payments required after the building permit has received final inspection, including inspections, rent control, vacation rental bans, etc.